

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 5-8 remain in the application. Claims 1-3 and 9 are being cancelled herewith. Claim 4 was previously cancelled.

In item 3 on page 2 of the above-identified Office action, claims 1-3 and 9 have been rejected as being fully anticipated by Zielke (WO 99/65128) under 35 U.S.C. § 102 or in the alternative as obvious over Zielke (WO 99/65128) under 35 U.S.C. §103.

Claims 1-3 and 9 are being cancelled herewith so as to facilitate prosecution of the application. Therefore, the rejection has been overcome.

In item 5 on page 5 of the Office action, claims 1-3 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of Zielke (U.S. Patent No. 6,627,831).

As noted above, claims 1-3 have been cancelled. Therefore, the double patenting rejection has been overcome.

2002P20417 - Application No. 10/539,761
Response to Office action October 20, 2008
Response submitted November 25, 2008

Since only allowable claims remain, the early issuance of a Notice of Allowance is solicited herewith.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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